



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/054,350  
Applicant: Phillips, J.  
Filed: January 19, 2002  
Art Unit: 1625  
Examiner: Fan, J.  
Docket No.: 02936354  
Customer No.: 26565

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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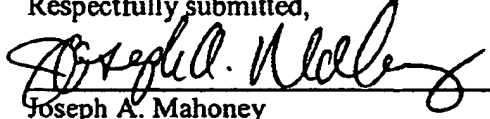
Dear Sir:

Enclosed herewith are the following for the above-captioned application:

1. Comments On Statements of Reason For Allowance Dated October 2, 2003; and
2. Return receipt postcard.

The Commissioner is hereby authorized to charge any additional filing fees required under Rule 1.17 concerning this transaction, or to credit any overpayment to Deposit Account 13-0019.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph A. Mahoney", written over a horizontal line.

Joseph A. Mahoney

Reg. No. 38,956

Date: November 3, 2003

**MAYER, BROWN, ROWE & MAW LLP**

P.O. Box 2828

Chicago, Illinois 60690-2828

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#16  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/054,350  
Applicant : Phillips, J.  
Filed: : January 19, 2002  
Art Unit : 1625  
Examiner : Fan, J.  
  
Docket No. : 02-93635-4  
Customer No. : 26565

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Timothy Hubalik

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(signature of person mailing paper or fee)

Commissioner of Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**COMMENTS ON STATEMENTS OF REASON FOR ALLOWANCE**  
**DATED OCTOBER 2, 2003**

Sir:

This communication is responsive to the Notice of Allowance and Fee(s) Due mailed October 2, 2003 in the above-referenced application.

No fee for filing these comments or for extension of time is believed payable; however, if it is determined that a fee is payable in connection with this communication, please charge Deposit Account No. 13-0019.

Remarks/Arguments begin on page 2 of this paper.

## REMARKS

In the reasons for allowance, the Examiner stated that "An enormous number of prior art references have been submitted in the parent cases without description or relevancy. These references cited on the 1449 have been given a cursory review commensurate to the manner they are submitted." Furthermore, on Applicant's Information Disclosure Statements form 1449 the Examiner noted "cursory reviewed" beside her initials. The Examiner's notation of "cursory reviewed" on Applicant's Information Disclosure Statements in this (and its related cases) is improper under PTO rules. In the Detailed Action, Interview Summaries, Office Actions and related cases at least the following references were carefully considered by the examiner:

- (1) U.S. 4,786,505, by Lovgren, *et al.*;
- (2) U.S. 5,447,918, by McCullough;
- (3) U.S. 5,840,737, by Phillips;
- (4) U.S. 5,792,473, by Gergely, *et al.*;
- (5) Japanese Patent Appln. No. 05255088;
- (6) Japanese Patent Appln. No. 055194225, by Oishi, *et al.*;
- (7) Japanese Patent Appln. No. 055194224, by Oishi, *et al.*;
- (8) Japanese Patent Appln. No. 05294831;
- (9) EP 670160, by Gergely, *et al.*;
- (10) Quercia, *et al.*, Abstract of ASHP Midyear Clinical Meeting, Vol. 31, p. P-51E (Dec. 1996);
- (11) Carroll and Trudeau Abstract from 10<sup>th</sup> World Congress of Gastroenterology (Oct. 1994);
- (12) Phillips, Critical Care Med. Suppl. (Jan. 6, 1995);

- (13) Pilbrant, et al., "Development of An Oral Formulation of Omeprazole," Scand. J. Gastroenterol., Vol. 20, (Suppl. 108) pp. 113-120 (1985);
- (14) Pilbrant, "Principles for Development of Antacids," Scand. J. Gastroenterol Suppl., Vol. 75, pp. 32-36 (1982);
- (15) Andersson, T., "Pharmacokinetics and Bioavailability of Omeprazole After Single and Repeated Oral Administration in Healthy Subjects," et al., Br. J. Clin. Pharmac., Vol. 29, pp. 557-563 (1990);
- (16) Andersson, T., et al., "Pharmacokinetics of Various Single Intravenous and Oral Doses of Omeprazole," European Journal of Clinical Pharmacology, Vol. 39, pp. 195-197 (1990);
- (17) Landahl, S., et al., "Pharmacokinetic Study of Omeprazole in Elderly Healthy Volunteers" by Clin. Pharmacokinet., Vol. 23, No. 6, pp. 469-476 (1992);
- (18) U.S. 5,708,017, Dave, *et al.*;
- (19) U.S. 6,248,363, by Patel *et al.*;
- (20) U.S. 6,391,342, by Henriksen *et al.*
- (21) U.S. Patent Appln. No. 2002/0192299, by Taneja, *et al.*;
- (22) WO 94/02140; and
- (23) WO 97/25030.

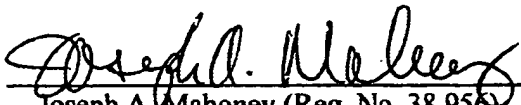
**CONCLUSION**

Applicant respectfully submits that the Examiner's "cursory reviewed" statements are improper and in fact inaccurate in view of the careful consideration of the references. Applicant hereby reserves its right to petition the Commissioner on this issue. The Examiner is encouraged to contact the undersigned with any questions or to otherwise expedite prosecution.

Respectfully submitted,

THE CURATORS OF THE  
UNIVERSITY OF MISSOURI

By: MAYER, BROWN, ROWE & MAW LLP

By:   
Joseph A. Mahoney (Reg. No. 38,956)

Dated: November 3, 2003

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**



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Applicant: Jeffrey O. PHILLIPS  
Filed: January 19, 2002  
Art Unit: 1625  
Examiner: Jane T. FAN  
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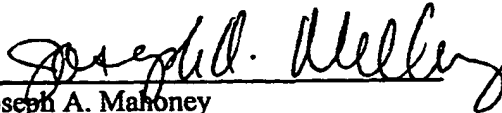
Dear Sir:

Enclosed herewith are the following for the above-captioned application:

1. Form PTOL-85 Issue Fee Transmittal;
2. Check in the amount of \$1,645.00; and
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Respectfully submitted,

  
\_\_\_\_\_  
Joseph A. Mahoney  
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Date: November 3, 2003

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